

[proposed]

State of California

SAN JOAQUIN RIVER CONSERVANCY

RESOLUTION 18-01

April 11, 2018

***Regarding Certification of the Environmental Impact Report for the
San Joaquin River Parkway Master Plan Update and Approval of the Proposed Plan***

WHEREAS, the San Joaquin River Conservancy (Conservancy) was established in the California Natural Resources Agency by the California State Legislature to acquire and manage public lands within the San Joaquin River Parkway (Parkway), which will consist of the San Joaquin River and approximately 5,900 acres on both sides of the river in Fresno and Madera counties between Friant Dam and the Highway 99 crossing; and

WHEREAS, the Conservancy is directed in the San Joaquin River Conservancy Act (Public Resources Code sections 32500 et seq.) to acquire and manage lands in the Parkway to provide a harmonious combination of low-impact recreational and educational uses and wildlife protection through the preservation of the San Joaquin River, existing publicly owned lands, the wildlife corridor, and natural reserves (PRC Section 32510); and

WHEREAS, the San Joaquin River Conservancy Act authorizes the San Joaquin River Conservancy (Conservancy) to implement the San Joaquin River Parkway Master Plan and to adopt and carry out management plans for the protection of the natural, cultural, and recreational resources of the Parkway; and

WHEREAS, in December 1997, the Conservancy approved the San Joaquin River Parkway Interim Master Plan, including certification of a programmatic Environmental Impact Report, together containing the goals, objectives, policies, design standards, and mitigation measures guiding future development of Parkway projects implemented by or sponsored by the Conservancy; and

WHEREAS, the Conservancy has prepared the San Joaquin River Parkway Master Plan Update, the “proposed Project” or “proposed Plan,” which sets forth updated programmatic long-range goals, objectives, policies, and plans: to accomplish wildlife habitat conservation and enhancement, public access and recreation, environmental education, and natural and cultural resource conservation and management within the Parkway; to guide implementation of the Parkway, including but not limited to land acquisitions, developing a contiguous 22-mile multi-use trail, constructing ancillary facilities to support low-impact recreation, and creating visitor informational and educational opportunities; and to consider implementation strategies and financing mechanisms for developing and supporting the on-going operations, maintenance and management of the Parkway; and

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And Approval of the Master Plan

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WHEREAS, the Conservancy, as the Lead Agency, prepared and circulated a Draft Environmental Impact Report (Draft EIR) for the proposed Plan (State Clearinghouse No. 2013061035) to meet the requirements of the California Environmental Quality Act (CEQA; Public Resources Code, section 21000 et seq.; California Code of Regulations, title 14, section 15000 et seq.) as detailed in the following declarations; and

WHEREAS, the Conservancy Board held at its regular publicly-noticed meeting a workshop to discuss the proposed Plan on May 15, 2013, and a follow-up meeting on June 19, 2013; and

WHEREAS, the Conservancy prepared a Notice of Preparation (NOP; California Code of Regulations, title 14, section 15082) to inform responsible and trustee agencies and interested parties that the Conservancy was preparing a Draft EIR for the proposed Plan and to solicit input on the scope and content of the descriptions of the significant environmental issues, mitigation measures, and reasonable range of alternatives to be examined in the Draft EIR; and

WHEREAS, the NOP was circulated from June 17, 2013, through July 17, 2013; and

WHEREAS, the Conservancy held a public scoping meeting on June 17, 2014, at the Pinedale Community Center, 7170 N. San Pablo, Fresno, California, to present information about the proposed Plan, describe the process and timelines, and solicit input, including written comments, on the scope and content of the Draft EIR; and

WHEREAS, 51 comment letters and comment cards were received on the NOP at the public scoping meeting and by mail and email (included in the Draft EIR as Appendix A), which were considered during the preparation of the Draft EIR; and

WHEREAS, the Conservancy contacted the Native American Heritage Commission (NAHC) to identify any areas of importance to Native peoples within the Parkway Planning Area that have been documented in the Commission's Sacred Lands files; individuals identified by the NAHC as having knowledge of and interest in the general Plan Area were contacted to brief them on the scope of the project; and meetings were held with those requesting them to discuss Native American interest in and use of the Parkway (Appendix F of the Draft EIR); and

WHEREAS, the Conservancy filed the Notice of Completion of the Draft EIR with the State Clearinghouse, California Office of Planning and Research on May 1, 2017, and sent notice to each responsible and trustee agency that an official 60-day public comment period for the Draft EIR was established. The public comment period ran from May 1, 2017, through June 29, 2017; and

WHEREAS, a Notice of Availability (NOA) of the Draft EIR was mailed and emailed on May 1, 2017, to all interested groups, organizations, individuals who had previously requested notice in writing, and to interested landowners within the Plan area; more than 730 notices were sent in total; and

WHEREAS, the NOA stated that the Conservancy had completed the Draft EIR and that copies, including appendices, were available for review at the Conservancy website, www.sjrc.ca.gov; at the San Joaquin River Conservancy, 5469 E. Olive Avenue, Fresno, CA 93727; and copies on CD format were available free upon request; and

WHEREAS, the Draft EIR includes an analysis of the environmental impacts of the proposed Plan, feasible mitigation measures, and two alternatives; and

WHEREAS, following the close of the 60-day public comment period, the Conservancy had received 18 comment letters, including emails; and

WHEREAS, the Conservancy compiled the Final EIR, which includes written responses to the written comment letters received (Chapter 5) and minor revisions to the Draft EIR and proposed Plan (Chapter 3), with the revisions indicated with underlines for revised inserted text and ~~strikeouts~~ for revised deleted text; and

WHEREAS, none of the changes made within the Final EIR constitute significant new information or otherwise trigger a recirculation under CEQA; and

WHEREAS, on March 28, 2018, the Conservancy sent notice to all public agency commenters that the Final EIR with responses to their comments was completed and available for review, consistent with CEQA Guidelines section 15088; and

WHEREAS, on March 28, 2018, the Conservancy posted the Final EIR on the Conservancy website, and made it available in hard copy at the Conservancy office, and available on CD free upon request, and issued a notification by email of this availability to all interested groups, organizations, and individuals who had previously requested notice in writing and to those who had previously commented on the Draft EIR, and included in the notices the date, time and place of the Board meeting in which the proposed Plan would be considered; and

WHEREAS, CEQA requires that in connection with the approval of a project for which an EIR has been prepared, the decision-makers of the lead agency must certify the Final EIR (California Code of Regulations, title 14, section 15090); and

WHEREAS, the Conservancy Board has considered the information in the Final EIR and input provided through public comments, and recognizes the benefits of proceeding with approving the proposed Plan.

NOW, THEREFORE, BE IT RESOLVED, the Conservancy Board hereby certifies that:

(a) the Final EIR (released March 28, 2018; State Clearinghouse No. 2013061035) has been completed in compliance with the requirements of CEQA;

(b) the Final EIR was presented to the Conservancy Board and it has considered the information contained in the Final EIR before considering approving the proposed Plan; and

(c) the Final EIR reflects the Conservancy's independent judgment and analysis;

BE IT FURTHER RESOLVED that, in consideration of the FINAL EIR and the entirety of the record, the Conservancy Board adopts the Findings of Fact and Statement of Overriding Considerations set forth in Attachment A to this resolution.

BE IT FURTHER RESOLVED that the Conservancy Board adopts the Mitigation Monitoring and Reporting Program as set forth in Attachment B to this resolution.

NOW, THEREFORE, BE IT ORDERED, that in consideration of all of the foregoing, and the entirety of the record, the Conservancy Board approves the San Joaquin River Parkway Master Plan Update included as Appendix C to the Draft EIR, with the revisions indicated in the Final EIR, Chapter 3.

BE IT FURTHER ORDERED, that Conservancy staff file the Notice of Determination with the State Clearinghouse and post it on the Conservancy's webpage within five days.

BE IT FURTHER ORDERED, that Conservancy staff shall implement the Parkway Master Plan Update, including initiating Parkway acquisition and development projects consistent with the Master Plan Update.

ATTACHMENTS:

Exhibit A: Findings of Fact and Statement of Overriding Considerations

Exhibit B: Mitigation Monitoring and Reporting Program

Passed this day of April 11, 2018, by the following roll call vote of the San Joaquin River Conservancy Board:

[Insert Board vote.]

Attest:

Melinda S. Marks, Executive Officer